

## **REMARKS**

Claims 2-20, 23-36, 43-45, and 48-54 are now pending in the application. Claims 21-22 and 46-47 are cancelled herein. Claims 14, 23, 43, 48, and 52 are currently amended; no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Prior to addressing the merits of the each rejection, Applicant would like to respectfully note certain discrepancies pertaining to the pending Office Action. First, Applicant notes that claims 22, 23, and 31 are not listed as rejected claims in the preambles to paragraphs 3 and 4 of the Office Action. While claim 23 is addressed in the body of paragraph 3 (at page 7) and claim 31 is addressed in the body of paragraph 4 (at pages 12-13), claim 22 has not been addressed at all. In contrast, while claims 8, 9, 15, and 16 are listed in the preamble of paragraph 3, they are not further addressed in any detail with an explanation supporting a rejection. Similarly, claim 52 is listed in the preamble of paragraph 4, but is not addressed in any detail with an explanation supporting its rejection. Notwithstanding, in order to expedite prosecution of this case, Applicant provides the following arguments in support of patentability.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 2-16, 18-21, 24-29, 32-36, 43, and 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franz* (U.S. Pat. No. 6,856,344) in view of *Morgan et al.* (U.S. Pat. No. 6,958,676). This rejection is respectfully traversed.

At the outset, Applicant notes that independent claim 14 is currently amended to recite the limitations of claims 21 and 22, while independent claim 43 is currently amended to include the limitations of claims 46 and 47. As a result, dependent claims 21, 22, 46, and 47 are cancelled. Independent claim 52 is currently amended in line with the presently amended claim 43.

Embodiments of the present disclosure as recited, for example, by amended independent claim 14 define an apparatus for automatically inspecting a vehicle in which, *inter alia*, the means for capturing identification data comprises: means for detecting physiological data about the driver who is driving the vehicle; means for inferring, from the detected physiological data, information about a current psychological profile of the driver; and means for triggering an alerting mechanism when the inferred current psychological profile of the driver matches specified criteria, wherein the specified criteria include a stress level of the driver. Antecedent support for the above amendments can be found at least in paragraphs [0032] and [0036] of the description as originally filed.

Applicant respectfully submits that neither *Franz* nor *Morgan et al* disclose the above features of amended claim 14. In particular, *Franz* and *Morgan et al* do not disclose monitoring a stress level of the driver.

*Morgan et al*, for example, at column 3 line 18 onwards and at Figure 1 discloses a system for authorizing vehicle and passenger entry into a secure area while the vehicle is moving. For instance, column 7 line 52 onwards of *Morgan et al* discloses biometric identification system of a passenger. For a passenger to be verified or authenticated by the system, prior enrollment of biometric data of the passenger is

required. Enrollment involves recording data of fingerprints and voice patterns in advance and storing them at a suitable location for subsequent comparisons when validating the passenger identity. Upon entering a secured site, the system transmits e.g. a fingerprint (from a finger print reader) or voice (from a microphone) data. The transmitted fingerprint or voice data is compared with the data stored in order to authenticate the driver. The system of transmitting fingerprint and voice data is disclosed for the purposes of passenger identification only and not aimed to detect the stress level of the passenger.

Furthermore, column 7 line 52 onwards of *Morgan et al* discloses that long range facial images preferably are collected to assist in the authorization process. Facial images are collected by visual or thermal imaging. The thermal imaging disclosed in *Morgan et al* is a map of thermal characteristics or discrete blood vessel detection methodology and is disclosed for the purposes of facial recognition only and not aimed to detect the stress level of the driver.

There is no teaching, suggestion, or other disclosure in either *Franz* or *Morgan et al* about monitoring a stress level of the driver.

As described in paragraphs [0032] and [0036] of the specification, the nervousness (stress level) of the driver are derived by the comparison of the heart beat and voice of the driver in one embodiment.

For at least these reasons, Applicant respectfully submits that amended independent claim 14 and its dependent claims are patentable over *Franz* in view of *Morgan et al*.

For the same reasons, Applicant respectfully submits that amended independent claim 43 and its dependent claims, as well as independent claim 52, are patentable over *Franz* in view of *Morgan et al.*

Claims 8-9, 16-17, 30, and 49-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Franz* in view of *Morgan et al.*, further in view of *Tilsley* (U.S. Pat. No. 6,970,576). This rejection is respectfully traversed.

Claims 8-9, 16-17, 30 are dependent claims of amended independent claim 14 and for at least the reasons indicated above, Applicant respectfully submits that claims 8-9, 16-17, 30 are patentable over *Franz* in view of *Morgan et al.* and further in view of *Tilsley*.

Claims 49-51 are dependent claims of amended independent claim 43 and for at least the reasons indicated above, Applicant respectfully submits that claims 49-51 are patentable over *Franz* in view of *Morgan et al.* and further in view of *Tilsley*. Likewise, Applicant respectfully submits that amended independent claim 52 is patentable over *Franz* in view of *Morgan et al.* and further in view of *Tilsley*.

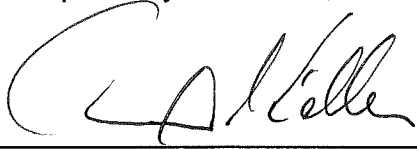
Thus, Applicant respectfully submits that claims 2-20, 23-36, 43-45 and 48-54 are patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Paul A. Keller, Reg. No. 29,752

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

PAK/AEP/lc